

Appl. No. 10/792,008
Response to Office Action mailed June 20, 2007

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Any Dkt. No. 113642-050

SEP 20 2007

REMARKS

The non-final Office Action was issued on pending claims 1, 3, 4 and 6-16. Claims 13 and 15 stand rejected, claim 14 was objected to, and claims 1, 3, 4, 6-12 and 16 are allowed. In this Response, claims 13 and 15 have been amended and no claims have been added or cancelled. Thus, claims 1, 3, 4 and 6-16 are pending in the application.

Applicant invites the Examiner to call Applicant's Representative to discuss any issues with this application.

Allowable Claims

In Office Action paragraph 3, claims 1, 3, 4, 6-12 and 16 are allowed. In paragraph 4 of the Office Action, claim 14 was objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the notice of allowed and allowable claims.

Claim Rejections – 35 USC §103

In paragraph 2 of the Office Action, claims 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rivera (US 6,389,625) in view of Wolf et al. (US 5,791,210). Applicant respectfully disagrees.

Claim 13 has been amended to clarify the claim. Amended claim 13 calls for "the first and second clamping jaws extending in a first reference direction during use of the first and second clamping jaws, and the first and second actuating sections extending in a second reference direction during use of the first and second clamping jaws which is generally perpendicular to the first reference direction." (Emphasis supplied). An example of this claimed structure is shown in Fig. 1. First and second clamping jaws 2, 2 extend in a first reference direction (reference plane E) during use of the first and second clamping jaws 2, 2. The first and second actuating sections 4, 4 extend in a second reference direction (reference plane G) during use of the first and second clamping jaws 2, 2. The second reference direction (reference plane

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G) of the first and second actuating sections 4, 4 is generally perpendicular to the first reference direction (reference plane E) of the first and second clamping jaws 2, 2. Therefore, claim 13 requires the first and second reference directions to be generally perpendicular to each other during use of the first and second clamping jaws.

Turning to Rivera, Rivera simply does not have or suggest that claimed structure. Rivera pertains to a multipurpose folding tool. Fig. 1A of Rivera shows the multipurpose folding tool 40 having a pair of pliers jaws 200 during use of the pair of pliers jaws 200. During use of the Rivera pair of pliers jaws 200, the pair of pliers jaws 200 extend in generally the same direction as handles 42, 44. The pair of pliers jaws 200 simply do not extend in a direction generally perpendicular to the direction of the handles 42, 44 during use of the pair of pliers jaws 200. Although the Rivera pair of pliers jaws 200 can be folded back into the handles 42, 44, the folded back positions of the pair of pliers jaws 200 is not a use position of the pair of pliers jaws 200. Furthermore, the folded back positions of the pair of pliers jaws 200 does not extend in a direction perpendicular to a direction of the handles 42, 44. For example, see Fig. 1 of Rivera. As to Wolf et al., Wolf et al. does not remedy the deficiencies of Rivera.

Therefore, claim 13 is allowable over Rivera and Wolf et al.

As to claim 15, claim 15 has been amended to clarify the claim. Amended claim 15 calls for "wherein the hook has a pivoted-in position between inner sides of the actuating sections and a use position pivoted away from the inner sides of the actuating sections, and in the use position the hook has a first leg extending away from the second actuating section and a second leg extending from the first leg back toward the second actuating section forming a U-shape." (Emphasis supplied). An example of this claimed structure is shown in Figs. 1 and 5. Referring to Fig. 1, Applicant's clamp has a hook 6 having a pivoted-in position between inner sides of actuating sections 4, 4. Referring to Fig. 5, the hook 6 has a use position pivoted away from the inner sides of the actuating sections 4, 4. In the use position the hook 6 has a first leg 7 extending away from the second actuating section 4 and a second leg 9 extending from the first leg 7 back toward the second actuating section 4. The first and second legs 7, 9 form a U-shape. See also the specification at page 5, line 19.

Turning to Rivera, Rivera simply does not have or suggest that claim structure. Fig. 22 of Rivera shows a multipurpose folding tool having a combined can opener and bottle opener

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300 placed in a use position. The Rivera combined can opener and bottle opener 300 is simply not a hook. Furthermore, the combined can opener and bottle opener 300 does not have a first leg extending away from the handle 44 and a second leg extending from the first leg back toward the handle 44. Even further, the combined can opener and bottle opener 300 of Rivera does not form a U-shape. As to Wolf et al., Wolf et al. does not remedy the deficiencies of Rivera.

Therefore, claim 15 is allowable over Rivera and Wolf et al.

Thus, Applicant submits that the §103 rejections should be withdrawn.

CONCLUSION

For the foregoing reasons, Applicant submits that the patent application is in condition for allowance and requests a Notice of Allowance be issued.

Respectfully submitted,

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